

REMARKS

Applicants have carefully reviewed the Office Action dated February 23, 2004. Claims 1-28 have been canceled. Claims 29, 31, 34 and 35 are pending in the application. Applicants have amended Claim 1 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 29, 31, 34 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Hudetz* in view of *Watanabe*. This rejection is respectfully traversed.

The *Hudetz* patent is a patent that is directed toward a user scanning a machine readable code such as a bar code which has no routing information associated therewith. This bar code is decoded and the decoded information is sent to a remote site to look up in a relational data base associated routing information. This routing information is then returned to the user. The user then selects a desired link and then connects thereto. As disclosed in *Hudetz*, an HTML page is returned that may have multiple links for a given bar code. Further, this bar code is not unique to the second location (destination) but, rather, is unique only to that product. Specifically, this bar code is associated with a manufacturer's product. By comparison to Applicants' claimed invention, the bar code that is scanned by the user in *Hudetz* is not unique to a location whereas the audio signature is unique to the second location. The only uniqueness provided in *Hudetz* is in the data base and this is a function of the data base. Further, there can be multiple links to a given bar code in *Hudetz*. Although the actual bar code and the information contained therein may be unique to the manufacturer's product, the association with the second location is not unique. Further, there is no control from a remote location that will cause the bar code to be reproduced at the first location, i.e., the user are at the first location must actively scan a bar code in. Therefore, the transmission of the reproduced audio information cannot be done in response to the step of causing. As such, conducting of commerce between the first location and the second location cannot be done in response to the control location causing the unique audio signature to be reproduced at the first location.

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The *Watanabe* reference has been provided by the Examiner for providing disclosure of the audio signature. *Watanabe* transmits an audibly encoded URL. As such, there is no reason to use any kind of a look-up operation, as the routing information is contained within the specific audio signal. Also, there is no requirement to detect that the audio is an audio signature and, once determining this is an audio signature, then a connection to a remote location would be made. The *Watanabe* reference provides an encoded URL. This encoded URL is a digital value that must be decoded from the received data path. As such, there is no unique audio signature but, rather, a unique value in the form of a URL. Depending upon how it is encoded, the audio could sound different. Applicant's present inventive concept refers to a unique audio signature being provided. As such, *Watanabe* does not provide a unique audio signature, nor does it provide for the need to look up in a remote relational data base routing information, since the routing information is embedded within the transmission. Thus, Applicants believe that *Watanabe* falls short in providing the necessary limitation of the unique audio signature that is also missing in *Hudetz*. Further, the use of the embedded URL is precisely what the *Hudetz* reference sought to overcome and, further, *Watanabe* is made for the express purpose of using a URL as the code that is utilized to connect to a Web site, whereas *Hudetz* utilizes a code that is specifically not unique to the remote location. As such, Applicants believe that *Hudetz* and *Watanabe*, taken singularly or in combination, do not anticipate or obviate Applicants' present inventive concept as defined by the amended claims. Therefore, Applicants respectfully request withdrawal of 35 U.S.C. §103 rejection with respect to the amended claims.

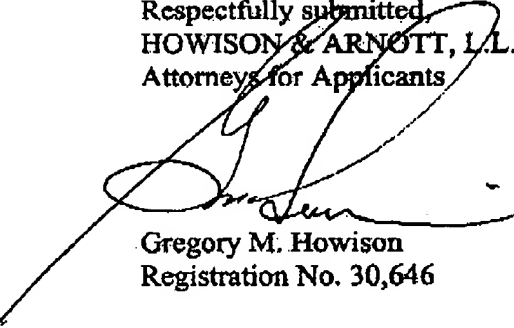
Claims 29, 31, 34 and 35 stand rejected under the judicially created doctrine of double patenting in view of U.S. Patent No. 6,622,165. This rejection has been overcome by the inclusion of terminal disclaimer.

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Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,815 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants



Gregory M. Howison
Registration No. 30,646

GMH/yoc/cr

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
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